IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

CONTEMPT PETITION NO.132 OF 2007
WITH
SHOW CAUSE NOTICE NO.402 OF 2007
IN
WRIT PETITION NO.555 OF 2007

Mrs. Dropadi Shivsagar Singh. ...Petitioner.
Vs.
The Slum Rehabilitation Authority & Ors. ...Respondents.

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Mr.Shashipal Shankar for the Petitioner.
Mr.J. G. Reddy for Respondent Nos.1 & 5.
Ms.Shobha Ajithkumar for Respondent No.2.

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CORAM :DR.D.Y.CHANDRACHUD, J.
December 3, 2007.

P.C.:

The breach that is alleged is of the order dated 12th April 2007 passed by a Learned Single Judge of this Court in Writ Petitions 554 and 555 of 2007. While setting aside the order passed by the Slum Rehabilitation Authority on 12th November 2003, the Learned Single Judge directed the Slum Rehabilitation Authority to decide the

appeal afresh after taking into consideration the report submitted by the Assistant Commissioner. The SRA has passed an order on 18th August 2007 with a copy to the Petitioner. An affidavit in reply has also been filed in these proceedings. From the affidavit in reply, it emerges that a Slum Rehabilitation Scheme was sanctioned on CTS 392-A, Final Plot Nos.380, 381, TPS-5 of village Vile Parle, Taluka Andheri, for the Siddhivinayak Co-operative Housing Society. Annexure-II certifying the list of eligible and ineligible slum dwellers was issued by the Assistant Commissioner, K-East Ward of Municipal Corporation and Competent Authority on 27th May 1999 along with a certified Slum Plan. The original Annexure II does not include the name of the Petitioner, nor is the structure of the Petitioner shown in the original slum plan. In pursuance of the order passed by the Learned Single Judge of this Court, on 12th April 2007, the Advocate of the Petitioner was heard upon which the impugned directions were issued on 18th August 2007. The impugned communication notes that the Assistant Commissioner, K-East Ward has not issued supplementary Annexure II, including the name of the Petitioner, nor

amended the Plan showing the structure of the present Petitioner. Though the Assistant Commissioner has opined that the Petitioner was eligible, the necessary requisite of issuing a duly certified Annexure II together with Slum Plan still remains to be completed. In the affidavit in reply, it has also been stated that under Development Control Regulation 33(10) the initial survey of Slum Structures has to be done by the Competent Authority who is to issue a list of eligible and non-eligible slum dwellers in the form of Annexure-II together with a Slum Plan. The First Respondent is an Appellate Authority. It has been stated in the reply that unless and until the name of the slum dweller is included in Annexure-II or Supplementary Annexure-II together with an amended Slum Plan, the First Respondent cannot take a decision.

In view of the statement made by Counsel appearing for the First Respondent, Counsel appearing on behalf of the Petitioner fairly states that the Petitioner will follow the matter with the Assistant Commissioner, K-East Ward. Counsel appearing for the Municipal

Corporation states that she has no instructions as to the period within which the final decision would be arrived at by the Assistant Commissioner, K-East Ward. In order to effectuate the earlier order passed by the Learned Single Judge on 12th April 2007, it is only appropriate and proper if the Second Respondent is directed to take necessary steps in accordance with law within a period of four weeks from today.

The Contempt Petition is accordingly disposed of. The Show Cause Notice is discharged.

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